

Message

From: White, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2702669a75e34e578e3a5e20db60cf53-whiteda]
Sent: 2/17/2022 12:51:13 PM
To: [REDACTED]
BCC: Huxley, Stuart [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=55ba45768d934678b30dec0c229b0133-huxleyst]; Simms, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=29b57ed2e6cf49208101781496c9c55c-simmsma]
Subject: Fw: Injunction
Attachments: Feb 15 - Issued Intervenor Order CV-22-88569.pdf

Dear Mr [REDACTED]

Your correspondence to the City Manager on the issue of an injunction has been referred to my office, for response.

As you are likely aware, earlier this week the Ontario Superior Court of Justice granted the City of Ottawa's request for an injunction addressing the widespread disregard for municipal by-laws arising out of the ongoing demonstrations. The Court agreed that the City's evidence of by-law violations was overwhelming and, as such, the injunction issued. In particular, the Court Order restrains persons from setting unlawful fires, discharging fireworks, causing noise, encumbering or damaging a highway by any means, and idling of vehicles in contravention of the Idling Control By-law. A copy of the Order is attached, for your information.

The City's application was also joined by the Department of Justice (Federal) and the Attorney General (Ontario), who were granted intervenor status and supported the City's application. I would also note the intervenors were able to ensure that the provincial and federal law enforcement authorities were offered the opportunity to have input on the enforcement provisions of the injunction, as was the Ottawa Police Service.

I would note that the City's injunction is not intended to duplicate the powers given to law enforcement authorities pursuant to the Orders issued by the Lieutenant Governor in Council, following the Premier's declaration of an emergency under the *Emergency Management and Civil Protection Act*. That legislative scheme provides for fines of up to \$100,000, as well as possibility of imprisonment, in the event of a contravention. In conjunction with the further powers given to law enforcement authorities by virtue of the Federal Government's invocation of the *Emergencies Act* and the Orders issued thereunder, the injunction obtained by the City is intended to supplement the tools available to law enforcement authorities to address the unlawful conduct of protestors.

Regards,

David
DAVID G. WHITE

City Solicitor | Avocat général
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From: [REDACTED]
Sent: Thursday, February 10, 2022 11:08:42 AM
To: Kanellakos, Steve <Steve.Kanellakos@ottawa.ca>
Subject: Injunction

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Steve,

After 50 years of practising law I believe I have earned the right to comment on the injunction application being considered by the City. Comments in the press indicate Mr White is seeking advice from the Chief of Police on the issue of enforcement. I believe removal of the trucks and arresting of the drivers should wait until other alternatives are tried. The Superior Court of Justice has inherent jurisdiction on any matter as was shown with the injunction over the noise issue. It is my opinion that the City should be seeking very heavy fines (\$100,000 per day against the leaders) if the judge orders the leaders to instruct the truckers to leave and they do not comply. They should be given 24 hours to demonstrate publicly this request to desist. If the truckers do not leave within 24 hours of the public statements by the leaders then each trucker and owner of the truck as well will be fined \$25,000 per day. If that does not work they would be in contempt of the injunction and the judge could decide to jail them.

I have lived in Ottawa all my life and it is the first time I have seen the public so angry at its politicians thinking they are sitting on their hands. If Mr. White needs advice he should hire former Justice Minister Allan Rock who has publicly also generally enunciated the above beliefs.

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